BILL NO. S-80-10-47

SPECIAL ORDINANCE NO. S-137-80

AN ORDINANCE approving a contract and supplemental agreement between the City of Fort Wayne, Indiana and Robert L. Thompson.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract dated March 1, 1980, as amended by supplemental agreement dated August 15, 1980, between the City of Fort Wayne, Indiana by and through its Mayor and the Board of Public Works and Robert L. Thompson, for his services as special counsel to the City in the hearings before the Public Service Commission of Indiana relative to the petition for rate increase filed by the General Telephone Company of Indiana, Inc., in Cause Number 35914 at a cost of $15,000.00, all as more particularly set forth in said contract and supplemental agreement which are on file in the Office of the Board of Public Works and are by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

COUNCILMAN

APPROVED AS TO FORM AND LEGALITY OCTOBER 22, 1980.

JOHN E. HOFFMAN
City Attorney

Read the first time in full and on motion by Stier, seconded by Del Quinta, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____ M.,E.S.T.

DATE: 10-28-80

CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Stier, seconded by Gabonay, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

| | AYES | NAYS | ABSTAINED | ABSENT | TO-WIT: |
|---|---|---|---|---|---|
| TOTAL VOTES | 8 | | | 1 | |
| BURNS | X | | | | |
| EISBART | X | | | | |
| GiaQUINTA | X | | | | |
| NUCKOLS | X | | | | |
| SCHMIDT, D. | | | | X | |
| SCHMIDT, V. | X | | | | |
| SCHOMBURG | X | | | | |
| STIER | X | | | | |
| TALARICO | X | | | | |

DATE: 11-25-80

CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ZONING MAP~~) (~~GENERAL~~) (~~ANNEXATION~~) (SPECIAL) (~~APPROPRIATION~~) ORDINANCE (RESOLUTION) No. S-137-80

on the 25th day of November, 19 80.

ATTEST: (SEAL)

CHARLES W. WESTERMAN - CITY CLERK

Vivian G. Schmidt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November 19 80, at the hour of 2:30 o'clock P M.,E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 4th day of Dec. 19 80, at the hour of 10:30 o'clock A M.,E.S.T.

WINFIELD C. MOSES, JR.
MAYOR

BILL NO. S-80-10-47

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN ORDINANCE approving a contract and supplemental agreement between the City of Fort Wayne, Indiana and Robert L. Thompson

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE do PASS.

JAMES S. STIER, CHAIRMAN

MARK GiaQUINTA, VICE CHAIRMAN

BEN EISBART

PAUL M. BURNS

DONALD J. SCHMIDT

11-25-80
DATE

CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

SUPPLEMENTAL AGREEMENT

WHEREAS, the City of Fort Wayne on behalf of its City Utilities contracted with Robert Thompson, as Counsel, relative to a petition for rate increase filed by General Telephone Company of Indiana, Inc. in Cause Number 35914 before the Public Service Commission of Indiana; and

WHEREAS, the services rendered under said contract dated March 1, 1980, will exceed the sum of $9,950.00 as provided therein, and it is necessary to provide for the continuation of said services in order to properly protect the interest of the City therein.

NOW THEREFORE, IT IS HEREBY MUTUALLY AGREED that the maximum reimbursement of expenses and compensation payable to said Counsel and his staff under said agreement shall be increased to the sum of $15,000.00.

Dated this 15th day of August, 1980.

CITY OF FORT WAYNE, INDIANA

BY: _____

BY: _____

BY: _____

Its Board of Public Works

_____
WIN C. MOSES, JR.
Its Mayor

_____
ROBERT THOMPSON

APPROVED AS TO FORM AND LEGALITY.

_____
JOHN E. HOFFMAN
City Attorney

BOARD OF PUBLIC WORKS CONTRACT
FOR SPECIAL ATTORNEY SERVICES

THIS AGREEMENT, made between the CITY OF FORT WAYNE and ROBERT L. THOMPSON, JR., attorney, WITNESSETH:

WHEREAS, General Telephone Company of Indiana, Inc. has filed a petition for an order for revision of its rates before the Public Service Commission of Indiana in Cause Number 35914 requesting a general rate increase of $22,500,000, which is composed of a rate increase of approximately twenty percent (20%) for its business and residential customers, including telephone subscribers and users in the City of Fort Wayne, among others; and

WHEREAS, the City Utilities of Fort Wayne has an annual telephone account in the approximate sum of $45,000 and the Civil City of Fort Wayne has an annual telephone account of approximately $225,000, and the citizens and businesses of Fort Wayne have an annual telephone account in excess of several millions of dollars with General Telephone Company of Indiana, Inc., all of which will be substantially affected by the proposed petition of said company for rate increases and services as set forth in its petition; and

WHEREAS, the Board of Public Works has determined that it is in the best interests of the City Utilities of the City of Fort Wayne, as a subscriber to the services of the General Telephone Company of Indiana, Inc., that the City participate in the hearings on said petition, which are now scheduled to be held commencing March 12, 1980, before the Commission with public hearings to be held beginning May 12, 1980, and that it employ special legal counsel with utility experience to represent it at said hearings so as to enable a proper determination of the requested rate increases and charges requested; and

WHEREAS, pursuant to Indiana Code 18-1-21-4, the Board of Public Works has the authority to enter into contracts for services for the use and benefit of the City Utilities of Fort Wayne, which will be substantially affected by the proposed rate increase as above set forth.

NOW THEREFORE, IT IS HEREBY AGREED:

1. That the City of Fort Wayne by its Board of Public Works shall employ Robert L. Thompson, Jr., an attorney, as its special counsel to represent it before the Public Service Commission of Indiana in the hearings relative to the submission of the petition for a rate increase filed by the General Telephone Company of Indiana, Inc., Cause Number 35914.

2. That Robert L. Thompson, Jr. agrees to serve as special counsel for the City of Fort Wayne and its City Utilities as set forth above to do factual investigation, legal research and participate in the hearings before the Public Service Commission and to take such other legal action pertaining to said hearings as may be necessary.

3. That the City Utilities of Fort Wayne shall reimburse said counsel in the performance of said services for his out-of-pocket expenses incurred, including long distance telephone, travel, overnight lodging, and out-of-town meal expenses, away from his office at Fort Wayne, Indiana, and shall pay to said counsel for his services compensation at the rate of $50.00 per hour for office time work performed and compensation at the rate of $65.00 per hour for counsel's appearances at hearings and other matters conducted out of his office at Fort Wayne.

4. The maximum reimbursement of expenses and compensation payable to counsel under this Agreement shall be the sum of Nine Thousand Nine Hundred Fifty and no/100 Dollars ($9,950.00).

Dated this 1st day of March, 1980.

THE CITY OF FORT WAYNE

BY _____

BY _____

BY _____

its Board of Public Works

BY _____
(Winfield C. Moses, Jr.)
its Mayor

_____
(Robert L. Thompson, Jr.)

APPROVED as to form and legality

_____
(John E. Hoffman)
its City Attorney

#5049

DIGEST SHEET

TITLE OF ORDINANCE: Special S-80-10-47

DEPARTMENT REQUESTING ORDINANCE: Board of Works

SYNOPSIS OF ORDINANCE: An ordinance approving a contract and supplemental agreement between the City of Fort Wayne, Indiana and Robert L. Thompson.

EFFECT OF PASSAGE: Authorization of payment of fees of Robert L. Thompson.

EFFECT OF NON-PASSAGE: Non-payment of fees.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): $15,000.00.

ASSIGNED TO COMMITTEE: Finance